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**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: WEBSTER, K.

Application No.: 10/624,880

Examiner:

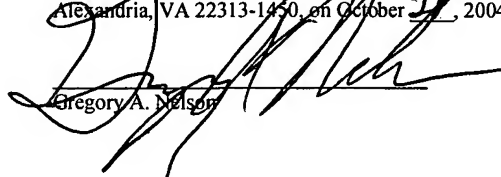
Date Filed: July 22, 2003

Group: 1635

For: PREVENTING ISCHEMIA-INDUCED CELL DAMAGE

**CERTIFICATE UNDER 37 CFR 1.8(a)**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 27, 2004.

  
Gregory A. Nelson

Mail Stop Amendment  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

Date: October 27, 2004

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to the Duty to Disclose under 37 C.F.R. §1.56, Applicant hereby discloses information that may be relevant to the Examiner's consideration of the above-identified application and the patentability of its claims.

In accordance with Rules 56, 97, and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), Forms PTO/SB/08A&B of references cited therein are submitted for consideration by the Examiner. While the references provided in this Information Disclosure Statement may be material to patentability pursuant to 37 C.F.R. § 1.56, it is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. §1.97(g), the filing of this

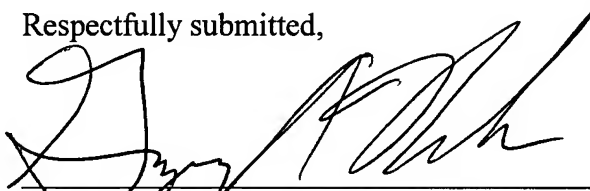
In re Application of: Webster  
Application No.: 10/624,880  
Filed: July 22, 2003  
Group Art Unit: 1635  
For: PREVENTING ISCHEMIA-INDUCED CELL  
DAMAGE

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Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

This Information Disclosure Statement is being filed before the issuance of a first office action on the merits of the application (37 C.F.R. 1.97(b)(3)); therefore, no fee is believed to be due. However, if any fee is due, the Commissioner is authorized to charge any such fee and any additional fees due or credit any overpayment to Deposit Account No. 50-0951.

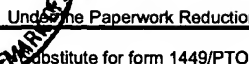
Respectfully submitted,



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Gregory A. Nelson, Reg. No. 30,577  
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West Palm Beach, FL 33401  
Telephone: (561) 653-5000  
Facsimile: (561) 659-6313

Docket No. 7230-4



Approved for use through 07/31/2006. OMB 0651-0031

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Sheet	1	of	1
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**Complete if Known**

Application Number	10/624,880
Filing Date	07/22/2003
First Named Inventor	Webster
Art Unit	1635
Examiner Name	
Attorney Docket Number	7230-4

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		WO 02/02743	01/10/2002	Kohn		

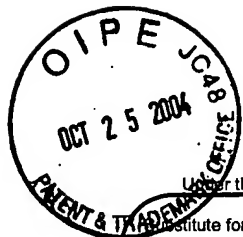
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Application Number	10/624,880
Filing Date	07/22/2003
First Named Inventor	Webster
Art Unit	1635
Examiner Name	
Attorney Docket Number	7230-4

Sheet	1	of	1
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**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		MIZUTANI et al., "A Zinc-finger Protein, PLAGL2, Induces the Expression of a Proapoptotic Protein Nip3, Leading to Cellular Apoptosis," The Journal of Biological Chemistry 227:15851-15858, 2002.	
		KUBASIAK et al., "Hypoxia and Acidosis Activate Cardiac Myocyte Death Through the BCL-2 Family Protein BNIP3," Proceedings of the National Academy of Sciences of the United States of America 99:12825-12830, 2002.	
		KOTHARI et al., "BNIP3 Plays a Role in Hypoxic Cell Death in Human Epithelial Cells That is Inhibited by Growth Factors EGF and IGF," Oncogene 22:4734-4744, 2003.	
		LEE et al., "Identification of the Hypoxia-Inducible Factor 1 alpha-Responsive HGTD-P Gene as a Mediator in the Mitochondrial Apoptotic Pathway," Molecular and Cellular Biology 24:3918-3927, 2004.	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/624,880
Filing Date	07/22/2003
First Named Inventor	Webster
Art Unit	1635
Examiner Name	
Attorney Docket Number	7230-4

### ENCLOSURES (Check all that apply)

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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below):<br>5 References; 1 Postcard |
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Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	AKERMAN SENTERFITT		
Signature			
Printed name	Gregory A. Nelson		
Date	October 21, 2004	Reg. No.	30,577

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Signature			
Typed or printed name	Gregory A. Nelson	Date	October 21, 2004

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